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ABSTRACT

There is a reluctance to bring cases of alleged child sexual abuse to trial because the trial process itself can be difficult for the child witness. Certain procedural reforms have been suggested to reduce the trauma of the trial for the child while maintaining the credibility of the child witness and the constitutional right of the defendant to confront his/her accuser. One such reform involves the presentation of the child's testimony through videotaped or closed circuit television. Another reform is to permit a child advocate to be present as the child is testifying in court. This study investigated these two techniques designed to protect the child in a sexual abuse case and their effect on subjects' guilty judgments and perceptions of fairness of the trial. A simulated courtroom case presented to 83 undergraduate students varied the manner of presentation (videotape versus live courtroom) of the evidence and whether or not the child sat on the lap of an advocate during the testimony. The results revealed that the videotape condition did not affect either judgments or perceptions of fairness; presence of an advocate was related to judgments that the trial was less fair to the defendant, but did not affect guilty judgments. (NB)

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Courtroom Reforms and Juror's Perceptions in Child Sexual Abuse Trials

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Courtroom Reforms and Jurors' Perceptions in Child Sexual Abuse Trials

Abstract

The study investigated techniques designed to protect the child in a sexual abuse case and their effect on subjects' guilty judgments and perceptions of fairness of the trial. A simulated courtroom case presented to 83 subjects varied the manner of presentation (videotape vs. live courtroom) of the evidence and whether or not the child sat on the lap of an advocate during the testimony. The videotape condition did not affect either judgments or perceptions of fairness; presence of an advocate was related to judgments that the trial was less fair to the defendant, but did not affect guilty judgments.

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Subject Index: Women's Studies

Statement of the Problem:

Trials of child sexual abuse have drawn considerable media attention in recent years. The Michaels trial in New Jersey, the McMartin trial in California and the Craig trial in Maryland, among others, have been widely publicized. In spite of the extent and the negative consequences of child sexual abuse (e.g., Alter-Reid, et al 1986), few cases are brought to trial. One reason for the reluctance to bring cases to trial is that the trial process itself can be so very difficult for the child witness.

Certain procedural reforms have been suggested to reduce the trauma of the trial for the child while maintaining the credibility of the child witness and the constitutional right of the defendant to confront his/her accused (Melton 1984). One such suggested reform involves the presentation of the child's testimony through videotaped or closed circuit television (Goodman & Helgeson, 1988; Wolfe, Sas & Wilson, 1987). The Supreme Court has ruled that the use of videotaped testimony be determined on a case-by-case basis (DeAngelis, 1990). Another suggested alternative in traditional courthouse procedure is to permit a child advocate to be present as the child is testifying in court. It is the aim of the present investigation to examine the effect of both of these suggested courtroom reforms on the child's credibility and perception of the defendant's guilt.

Method

Subjects:

Thirty-two male and 51 female Introductory Psychology students served as subjects in this experiment. A 2 (videotape vs. standard courtroom) x 2 (child advocate present vs. no child advocate) design was used. Subjects were randomly assigned to each of the four conditions.

Procedure: Subjects first signed an informed consent form, and were then presented with instructions that they should pretend to be jurors in a courtroom setting. Subjects were told that they would be presented with slides and excerpts from a trial. A case previously constructed by the current investigators (Gibbs, Sigal, Rubin, Biegel, DiVincenzo, 1991) was used in the study. The trial involved the alleged sexual abuse of a six year old female child by a volunteer arts and crafts worker at an after school center in a suburban town. The abuse supposedly occurred during the arts and crafts period at the center. Details about the abuse were limited in terms of how explicit they were to prevent ethical difficulties. The basic standardized case was previously pretested (using pilot subjects) and was found to produce approximately equivalent guilty and not-guilty judgments.

Subjects viewed slides indicating that the child's testimony occurred in the courtroom directly or on a videotape. The same six year old child actor was either seated alone or on the lap of an adult in the witness chair. Subjects were provided

with a written transcript of the trial excerpts and listened to an audiotaped version of the trial using actors as they viewed the slides. All details of the transcript including the background description, the attorneys' examination and cross-examination of the child witness and defendant, and the prosecution and defense summations were identical, with the exceptions of the manipulations.

After the completion of the simulated trial, subjects rated the guilt or innocence of the defendant, their perceptions of the child witness and defendant, and completed manipulation checks and demographic information. Subjects were then debriefed. Subjects were run in small groups of less than ten.

It was hypothesized that the standard courtroom condition would produce more guilty judgments and more positive ratings of the child witness' testimony than would the videotaped courtroom condition. It was also predicted that the presentation of the child seated alone in the witness chair would produce more guilty judgments and more positive perceptions of the child's credibility than when the child was seated on the lap of an adult advocate in the witness chair. Finally, it was hypothesized that the presence of a child advocate on the witness stand would adversely affect simulated jurors' perception of the fairness of the trial process for the defendant as compared to the child alone on the witness stand.

Results

The manipulation check required that subjects identify the correct condition out of a list of several possibilities. Results of the manipulation check were that the advocate condition was correctly perceived by most subjects and that the videotape condition also was correctly identified by most subjects.

Contrary to the initial hypothesis, there were no significant effects for the videotape manipulation on any of the measures.

Contrary to the second hypothesis, the advocacy condition produced no significant main or interaction effects on judgment of guilt or of likelihood that the defendant committed the crime. As hypothesized, however, subjects, when asked to rate the fairness of the trial for the defendant and the child, showed significant differences depending on the presence or absence of an advocate. When the child witness was accompanied by the advocate, a MANOVA of the fairness ratings showed that subjects rated the trial as significantly less fair (see Table 1) than subjects in the no advocate condition. Individual items that showed significant differences were that the trial was perceived as significantly less fair to the defendant (M=2.88,SD=1.7 vs M=2.15,SD=1.35) and measures to protect the child witness were seen as less important (M=2.14,SD=1.37 vs M=1.5,SD=.78).

Discussion

As hypothesized, subjects interpreted the presence of an advocate for the child as adversely affecting the fairness of the trial for the defendant. This result shows a public perception that the rights of the defendant should be protected regardless of the type of crime. Interestingly, however, no significant difference in guilty or non-guilty judgments were obtained in the advocate vs no advocate condition. This finding suggests that attitudes toward courtroom processes in the abstract may not effectively predict subjects' responses in an actual trial situation. Further, it suggests that some modifications of courtroom procedures may be introduced without affecting juror decisions.

No significant findings were obtained regarding the variable of videotape vs live courtroom presentation of child testimony. This is the second study the authors have conducted regarding videotape presentation of testimony that has shown this variable to have no impact on simulated jurors' judgments (Gibbs, et al, 1991). This lack of significant results is further strengthened by the fact that the manipulation check showed that subjects accurately perceived the videotape vs courtroom conditions. Although the null hypothesis can never be proved, we would like to suggest that this proposed procedure designed to reduce the child witness's courtroom trauma may be successfully employed in child sexual abuse cases.

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Table I

MANOVA for Fairness of the Trial and Courtroom Procedures Questions

UNIVARIATE F TESTS

VARIABLE	SS	DF	MS	F	P
Q11	4.283	1	4.283	1.646	0.203
ERROR	205.514	79	2.601		
Q12 (fairness to defendant)	11.036	1	11.036	4.533	0.036
ERROR	192.340	79	2.435		
Q13	9.376	1	9.376	2.559	0.114
ERROR	289.455	79	3.664		
Q14 (protect child witness)	8.418	1	8.418	6.494	0.013
ERROR	102.416	79	1.296		

MULTIVARIATE TEST STATISTICS

WILKS' LAMBDA = 0.849
F - STATISTIC = 3.376 DF = 4,76 PROB = 0.013